Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Review Application No. 6182 of 2004
IN
First Appeal No.18-D of 2003

Smt. Shakuntala Devi, wife of Shri nathi Ram., Resident of 270 Khurbura Mohall, District Dehradun.

…Claimant/Applicant.

Versus

(1) The Collector, Dehradun,
(2) Tehri Hydro Development Corporation Ltd., through Managing Director, Bhagirathpuram, New Delhi.
(3) Director Rehabilitation, Tehri Dam Project, New Tehri Garhwal. ……..Opposite Parties.

Sri Vinai Kumar holding brief of Sri Ranjeet Saxena, learned counsel for the claimant/applicant.
Learned Standing Counsel for the State.
Sri U.K. Uniyal, learned counsel for the respondent No.2

Date: 04th Dec., 2004

Hon'ble P.C. Verma,J.
Hon'ble Rajesh Tandon, J.

This is an application to review the order-dated 20.3.2004 alongwith delay condonation application.

The learned counsel for the Respondents has no objection for condoning the delay.

The application for condonation of delay is allowed. The delay in filing the review application is condoned.

The first appeal was filed by the appellant for enhancement of the amount of compensation awarded by the learned Additional District Judge, Dehradun on 22.12.2000 on the grounds, inter alia, that the amount of compensation awarded by the Special Land Acquisition Officer was grossly inadequate and was not according to the prevailing market value as the land in question had building potentiality and all urban facilities and situated within the City Board

limit of Dehradun at a distance of 70 yards from the Industrial Estate. Appellant has submitted that the special Land Acquisition Officer had not appreciated the exemplars submitted by the petitioner in its proper perspective and therefore, the finding of the learned Reference Court was challenged on the ground that the acquired land has got potential and the sale-deeds referred by the claimant have been wrongly not taken into consideration. The compensation was claimed by the appellant at the rate of rupees ten lacs per acre.

After hearing the parties, the appeal was dismissed on merit on 20.3.2004

The learned counsel for the appellant sought the review of the order dated 20.3.2004 and has prayed that the appeal may be allowed on the grounds, inter alia, that on the basis of the exemplars, the compensation has not been awarded properly.

We have heard the learned counsel for the parties and have gone through the judgment dated 20.3.2004 under review. The learned Reference Court has found that when two sale deeds were before the Special Land Acquisition Officer, which were executed by Bijendra Singh S/o Nathi and for the same Khasra number, the Special Land Acquisition Officer was bound to select the sale deed which fetched the highest sale price. There was no illegality in the finding of the learned Reference Court to warrant the review of the order passed by us.

Consequently, the review application is dismissed.

(Rajesh Tandon,J.) **(P.C. Verma,J.)**

04.12.2004
PSR